

**DRAFT 2/23/06**

***Why is Region 8 planning an Interim ROD for Libby OU4?***

There are two critical factors which affect this decision. First, because of the ubiquitous and widespread nature of contamination in Libby, any practical and implementable remedial action alternative will result in contamination being left in place. This is inevitable – there isn't enough money, time, or technology to get it all. Second, because of the scientific and technical uncertainties regarding asbestos measurement and risk assessment, the risks these situations may present is not fully characterized or understood. While substantially smaller than other risks, we cannot say with certainty that these residual risks are trivial (nor is it likely this will change in the immediate future). These two primary factors lead Region 8 to believe that a robust, multi-faceted, community-based O&M program (including institutional controls - ICs) must be part of any practical remedial action alternative. This type of program is necessary to reduce or manage residual risks and contamination that will remain after completion of EPA cleanup.

Region 8 has already laid the ground work for an IC/O&M program though the development of an O&M Workgroup in Libby. This group of stakeholders has functioned for the past few years and made great progress on many IC and O&M issues. However, fully developing and establishing such a program – one that is accepted locally and will work - will take additional time. First, the program must be tailored to the specific remedial cleanup alternative, which will not be known until the interim ROD is signed. Once a general plan is developed, significant coordination must occur between EPA, the State of Montana, and local governments, organizations, and citizens. Agreements must be developed and signed. Local ordinances may need to be created and passed. New positions will need to be developed. The entire program needs to be funded. Libby project managers estimate this will take at least a year, perhaps more.

It does not make sense to wait for a year or more for the IC/O&M program to be developed before signing a ROD and establishing a physical remedial action cleanup program. However, we cannot sign a Final ROD when a substantial, critical piece of the remedy is still uncertain. An interim ROD allows us to transition to remedial action now (critical for ongoing cost recovery cases) and provides the public a much-needed opportunity to evaluate EPA's decision making process and influence the long-term cleanup of Libby. While this occurs, we will continue to develop and work on the IC/O&M program – with the public. When the program is developed, we will publish a Final ROD that sets forth the entire remedy.

While significant technical uncertainties and challenges remain regarding asbestos measurement and risk assessment, Region 8 feels we have sufficient information NOW to make reasonable risk management decisions at Libby. Nor do we believe these issues will be resolved fully in the short-term. As such, we do not want the ROD at Libby to be tied to resolution of these issues (such as a Contingency ROD might do). However, the issues are important and must move forward. So, no matter what process or decision document is used at Libby, significant research and continued investigations on asbestos

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will be necessary that may affect our outlook or approach. If new information comes to light, we will address it as necessary. CERCLA provides for this through ROD Amendments and Five Year reviews. In the meantime, we will use the best information currently available and move forward with the critical cleanup of Libby.